

Personal references in the House during Question Hour or Debates.

Sri V. P. DEENADAYALU NAIDU (Cubbonpet).—A ruling was given yesterday about the giving of names of defaulters. I am, of course, not questioning the ruling of the Chair. But, I took the trouble to find out whether were not shutting out getting certain information from the Government. The point was that there was a breach of privilege in not getting certain information and the matter might be referred to the Privileges Committee. The House of Commons Manual of Procedure, Page 50 is more or less synonymous with rule 26 of our House, *i.e.*, conditioning the question, circumscribing the limit up to which the question can go. "The right to ask the question is governed by the following conditions"; that is what our rules say. The Chair is very well aware of the clauses from (a) to (p). There is no prohibition. Nowhere it is mentioned, so far as I can see, why the Government should not disclose the names. Perhaps, if at all, we are not questioning the conduct that is pointed out in (h).

"it shall not ask as to the character or conduct of any person except in his official or public capacity"

Perhaps, if at all, anywhere we are nearer the clause, it is in (d);

"it shall not bring in any name or statement not strictly necessary to make the question intelligible;" If it does not make the question intelligible, we need not bother. If the name has anything to make the question intelligible, why not give it to the House? Secondly, I would like to draw the attention of this House to page 50 of the Manual of Procedure of House of Commons. It does not prohibit, if the House wants to know, the disclosure of the details about which we are concerned. Therefore, I would still like the Chair to consider this aspect.

Mr. SPEAKER.—Hon'ble Member may read what is prevailing in the House of Commons. Does it say that names should be disclosed?

Sri V. P. DEENADAYALU NAIDU.—Here also, there are certain provisions which lay down which information is

intended to be given in the House. It specifically means that any matter is open to the House. This particular information is also intended to be divulged to the House. If you want to read all the clauses, I have no objection. But the relevant clause which eschews certain information being given is this

Mr. SPEAKER.—How can I know that it is exclusive? It may be illustrative. Hon'ble Member must answer my question first. How does the Hon'ble Member know that it is exclusive? It may be illustrative.

Sri V. P. DEENADAYALU NAIDU.—It is not a question of illustration. Even if it is so, the House is not shut out from getting those illustrations. Even if the names are given as illustrations, the House is not debarred from getting those illustrations.

Mr. SPEAKER.—Hon'ble Member may not know that I have gone into the whole question thoroughly. After having gone through the whole question, I have come to the conclusion that the names wherever possible should be avoided; not that all names should be avoided, they should be avoided especially when it is a matter where defamation is involved. Supposing a man's name is mentioned as one of the defaulters in this House he may not actually be a defaulter as such. That man will be defamed. In that case, that person may have a right on me to ask "how is it that you have allowed these things to happen in your House?" That is why I want to guard myself against such questioning. So far as the rule is concerned, the Hon'ble Member in fact has supported me. Rule 26 (d) says:

"It shall not bring in any name or statement not strictly necessary to make the question intelligible." How is it that a name if it is given here makes the question intelligible? The list does not become intelligible because the name is given here. The list is always intelligible if the number is given. I do not think the name when it is given can add to the intelligibility of the list. I can also say it is an innovation that I have introduced in the House. May be, it is new to some of

of the Members. But it is generally the rule or a sort of convention which has been followed in other Assemblies. This has been followed consistently in the Bombay Legislative Assembly. In no case is the name of a person allowed to creep in when it is an insinuation or defamatory in character. I do not think, under these circumstances, it will serve any purpose to go on indirectly questioning the ruling of the Chair. There should be a finality. So far as I am concerned, I have given a final ruling on the matter. It should not be open for any Member to take it up. The Hon'ble Member may be quoting the House of Commons. I have read the House of Commons Procedure. The illustration is not exhaustive. It is only illustrative. There are so many editions afterwards, and many changes have occurred. In fact nothing can be said on this point as final. Everything has to be decided on the merits of the case. This being so, I would request the Hon'ble Member, Sri Naidu, not to rake up this question over and over again.

SRI V. P. DEENADAYALU NAIDU.—I will just make my point clear, in this way. I can place precedents on this matter before you that in certain cases certain names had been disclosed to this House. My anxiety in taking up this point is that certain contractors may be treated with certain amount of misgivings because of not divulging the information and the most nefarious contractors may take shelter under this vague and mostly unspecified information that is given. What happens is, if it is not specific, and certain names are not given, most dangerous contractors will go scot free and even the most respectable contractor goes off with this remark. That should not happen. I do not think there is anything wrong and if the Chair is very particular, I can cite instances of this Hon'ble House.

MR. SPEAKER.—I may not match myself with the knowledge of the Hon'ble Member. I also agree that I may not be so intelligent or knowing so many precedents as the Hon'ble Member does. I have never pretended that I know everything. But in this House

Chair's ruling has to be accepted and there should be no argument about it. I have also said that, so far as instances are concerned, I have looked into them. If names of persons are mentioned in this House and insinuations are made against them or some defamatory statements are attached to them, I am not going to allow them. I have not said that no names of outsiders should be imported into this House at any cost. I have said that the names of any outsiders should not be mentioned in this House in a context where insinuations are likely to be imputed or where the man is likely to be defamed.

***SRI ANNA RAO GANAMUKHI (Afzalpur).**—May I draw your attention towards your ruling? I want one clarification about it. There is of course a finality when a ruling is given by the Hon'ble Speaker. But at the same time, if a Member wants to urge a certain thing against the ruling and if he wants that that ruling should be revised and if a Member appeals to that effect to the Chair, is it not open to a Member to do so?

MR. SPEAKER.—There are certain matters which I must make clear in this connection. What should be urged and what should not be urged has to be decided by the Chair. But what I can assert is this, that the Chair's ruling should not be challenged directly or indirectly; I can judge, in any case, whether the Chair's ruling has been challenged directly or indirectly or whether the urge to revise the ruling has been made.

SRI ANNA RAO GANAMUKHI.—Can any Member urge for the revision of the ruling? That is what I want to know.

MR. SPEAKER.—I have given an answer already.

SRI V. P. DEENADAYALU NAIDU.—Let me say the last word in this matter. The rulings are the same, whether they are of the House of Commons, or the Parliament or of any State in India. . .

MR. SPEAKER.—The Hon'ble Member may resume his seat. There can be no argument about that. I cannot allow any Hon'ble Member in this House to challenge the ruling. I can give them a chance to come and discuss the ruling in my chamber. It is no use

(MR. SPEAKER.)

questioning the ruling. I have looked into the rulings, as far as other Legislatures are concerned. I have been saying that this has been followed in the Bombay Assembly many times. We have never allowed a single member to mention names in the Bombay Legislative Assembly when it amounted to a man being defamed or when an insinuation was sought to be made.

PRIVILEGE MOTION.

re. Minister's reference in a public speech to anticipated income before presentation of Budget.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ (ಚನ್ನಪಟ್ಟಣ).— ಸ್ವಾಮಿ ನಾನು ಹಿಂದೆ ಒಂದು ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್ ಕಳುಹಿಸಿಕೊಟ್ಟಿದ್ದೆ; ಅದು ಏನಾಯಿತು?

ಅಧ್ಯಕ್ಷರು.—ಯಾವ ಪ್ರಿವಿಲೇಜ್ ಮೋಷನ್ ?

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ.—ಮಾನ್ಯ ಮಂತ್ರಿಗಳಾದ ಶ್ರೀ ಎಚ್. ಎನ್. ರುದ್ರಪ್ಪನವರ ಭಾಷಣದ ವಿಷಯದಲ್ಲಿ ಅಧ್ಯಕ್ಷರಿಗೆ ಕಳುಹಿಸಿಕೊಟ್ಟಿದ್ದೆ.

ಅಧ್ಯಕ್ಷರು.—ಅದನ್ನು ನಾನು ನೋಡಿದ್ದೇನೆ. ಅವರು ಏನು ರಿಮಾರ್ಕ್ ಮಾಡಿದ್ದಾರೋ ಅದನ್ನು ನೋಡಿದ್ದೇನೆ. ಅವರು ಹೀಗೆ ರಿಮಾರ್ಕ್ ಮಾಡಿದ್ದಾರೆ: “ಸುಮಾರು 15 ಲಕ್ಷ ಒದಗಿಸಿದೆ. ಬಡ್ಡೆಟ್ ಸಭೆಯ ಮುಂದೆ ಪುಂಡಿಸುವಾಗ ಖರ್ಚು ಖಚಿತವಾಗಿ ಗೊತ್ತಾಗುತ್ತದೆ” ಇದರ ಅರ್ಥ ಬಡ್ಡೆಟ್‌ನಲ್ಲಿ 15 ಲಕ್ಷ ಇದೆಯೆಂದು ಸ್ಪಷ್ಟವಾಗಿ ಹೇಳಿದಂತೆ ಆಗುವುದಿಲ್ಲ. ಇದರ ಅರ್ಥ ಏನಾಗುತ್ತದೆ, ಎಂದರೆ ಬಡ್ಡೆಟ್ ಸಭೆಯ ಮುಂದೆ ಬರುತ್ತದೆ. ಆಗ ಖಚಿತವಾಗಿ ಗೊತ್ತಾಗುತ್ತದೆ. ಸುಮಾರು 15 ಲಕ್ಷ ಒದಗಿಸಿದ್ದೇವೆ ಎಂದು ಹೇಳಿದ್ದಾರೆ. ಒಂದು ವೇಳೆ ಅವರು ಒಂದು ತಪ್ಪು ಮಾಡಿದ್ದಾರೆ, ಹೇಳಬಾರದಾಗಿತ್ತು, ಬ್ರೇಡ್ ಅಫ್ ಪ್ರಿವಿಲೇಜ್ ಆಗುತ್ತದೆ ಎನ್ನುವ ಪ್ರಶ್ನೆ ಇದೆ. ಇಂತಹ ಒಂದು ಪ್ರಶ್ನೆ ಬಂದಾಗ ಲೋಕ ಸಭೆಯಲ್ಲಿ ಒಂದು ರೂಲಿಂಗ್ ಕೊಟ್ಟಿದ್ದಾರೆ. ಆ ರೂಲಿಂಗ್ ಒದಿದರೆ ತಮಗೆ ಅರ್ಥವಾಗುತ್ತದೆ. ಅದು ಹೀಗಿದೆ.

“In the matter of determination of the privileges of the House we are governed by the provisions of article 105 (3) of our Constitution, which state that the powers, privileges and immunities of the House are such as were enjoyed by the House of Commons in the United Kingdom at the commencement of our Constitution. The precedents of the United Kingdom should guide us in determining whether any breach of privilege was in fact committed in the

present case. So far as I can gather, only two cases occurred in which the House of Commons took notice of the leakage of the budget proposals. They are known as the Thomas case and the Dalton case. In neither of these cases was the leakage treated as a breach of privileges of the House nor were the cases sent to the Committee of Privileges for enquiry”

I shall read the relevant sentence once again.

“In neither of these cases was the leakage treated as a breach of privileges of the House nor were the cases sent to the Committee of Privileges for enquiry. The prevailing view in the House of Commons is that until the financial proposals are placed before the House of Commons, they are an official secret. A reference of the present leakage to the Committee of Privileges does not therefore arise.”

ಅವರು ಒಂದುವೇಳೆ ಬಡ್ಡೆಟ್ ಪ್ರಪೋಸಲ್ ವಿಚಾರವನ್ನು ಹೇಳಿದ್ದರೂ ಕೂಡ ಅದು Official Secrets Actನ ಪ್ರಕಾರ ತಪ್ಪಾಗುತ್ತದೆಯೇ ಹೊರತು breach of privilege ಆಗುವುದಿಲ್ಲ.

ಶ್ರೀ ಬಿ. ಕೆ. ಪುಟ್ಟರಾಮಯ್ಯ (ಚನ್ನಪಟ್ಟಣ).— ಸ್ವಾಮಿ, ಈ ಸಭೆಯಲ್ಲಿ ಮೊದಲಿನಿಂದಲೂ ಯಾವುದು ಸಂಪ್ರದಾಯವಾಗಿ ಬಂದಿದೆಯೋ ಅದು ಸರಿಯಾಗಿ ನಡೆದುಕೊಂಡು ಬರಲೆಂದು ನಾನು ಈ ಹಕ್ಕು ಬಾಧ್ಯತೆಯ ಸೂಚನೆಯನ್ನು ಕಳುಹಿಸಿದ್ದೇನೆಯೇ ಎನಿಸಿ ಮಾನ್ಯ ಮಂತ್ರಿಗಳಿಗೇನಾದರೂ ತೊಂದರೆ ಯಾಗಲೆಂದೇ ಅಥವಾ ಅವರು ಸಭೆಯ ಕ್ಷಮಾಪಣೆ ಕೇಳಲೆಂದೋ ಉದ್ದೇಶಿಸಿ ಕಳುಹಿಸಿಲ್ಲ

ಶ್ರೀ ಎ. ಹೆಚ್. ಹುಚ್ಚಮಾಸ್ತಿ ಗೌಡ (ಚಂದ್ರಶೇಖರ ಪುರ).—ಈಗ ತಾನೇ ತಾವು ಇದು Question of Privilege ಆಗುವುದಿಲ್ಲವೆಂದು ತೀರ್ಮಾನ ಹೇಳಿದ ಮೇಲೆ ಮತ್ತೆ ಅದರ ಮೇಲೆ ಚರ್ಚೆಮಾಡುವುದಕ್ಕಿವೆ ಕಾಶ ಕೊಡಬಾರದೆಂದು ಸೂಚಿಸುತ್ತೇನೆ.

ಅಧ್ಯಕ್ಷರು.—ಅವರು ಸಂಪ್ರದಾಯದ ವಿಚಾರವನ್ನು ಹೇಳುತ್ತಿದ್ದಾರೆ; ಅದನ್ನು ಕೇಳೋಣವೆಂದು ನುಮುನಿದ್ದೆ. ಯಾವ ರೂಪದಲ್ಲಿಯಾದರೂ ನನ್ನ ರೂಲಿಂಗ್ ಬಗ್ಗೆ ಪ್ರಶ್ನೆ ಮಾಡುವುದು ಸೂಕ್ತವಲ್ಲ. ಇದನ್ನು challenge ಮಾಡುವುದಕ್ಕೆ ಯಾರಿಗೂ ಯಾವ ಸಂದರ್ಭದಲ್ಲಿಯೂ ಅವಕಾಶವಿರುವುದಿಲ್ಲ. ರೂಲಿಂಗ್‌ನಲ್ಲಿ ತಪ್ಪಿರಬಹುದು. ಆದರೂ ಅದನ್ನು challenge ಮಾಡಬಾರದೆಂಬುದು ಸಂಪ್ರದಾಯ.

Sri H. M. CHANNABASAPPA (Krishnarajanagar).—I rise to a point of order. It is not correct for any Hon'ble Member to speak anything in